

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COMMUNITY REDEVELOPMENT
AUTHORITY OF HASTINGS,
NEBRASKA,

Plaintiff,

vs.

UNITED STATES OF AMERICA,
TRUSTEE LLC, et al.,

Defendants.

8:23-CV-31

CONSENT JUDGMENT

This matter is before the Court on the joint motion of the plaintiff and the United States for entry of consent judgment ([filing 7](#)). That motion is granted and the following consent judgment is entered.

PARTIES

1. Plaintiff in this civil action is the Community Redevelopment Authority, an entity, established by the City of Hastings, Nebraska. Plaintiff is a public body corporate and politic and has the power to sue or be sued.
2. Defendant is the United States of America.

PROCEDURAL BACKGROUND

3. Plaintiff, Community Redevelopment Authority of Hastings, Nebraska, initially filed suit against many Defendants, including the United States of America, in the District Court of Adams County, Nebraska found at

docket number: CI 22-470 ("State Court Lawsuit"). This lawsuit relates to real property ("the real property") in which the Plaintiff desires to quiet title to and is commonly known as 714 West Fifth Street, Hastings, Nebraska, 68901. The "real property" is legally described as:

**Lots One (1) through Twelve (12) Inclusive, Block Six (6),
Original Town, Now City of Hastings, Adams County,
Nebraska, according to the recorded plat thereof.**

4. In the State Court Lawsuit, Plaintiff alleges the United States of America "may have some interest in the real property. This defendant may be acting as trustee for the Totonaca Tribe of Mexico, if the United States holds said lands in trust for the benefit of this tribe, or these are recognized as restricted Indian Lands by the United States."
5. As it pertains to the Defendant United States of America, Plaintiff seeks to quiet title in the "real property."
6. The United States was served with a copy of the State Court Lawsuit on December 27, 2022.
7. On January 26, 2023, the United States of America removed the State Court Lawsuit to this Court pursuant to [28 U.S.C. § 1441\(a\)](#), [28 U.S.C. § 1442\(a\)](#), and [28 U.S.C. § 1444](#). [Filing 1](#).

FACTUAL FINDINGS

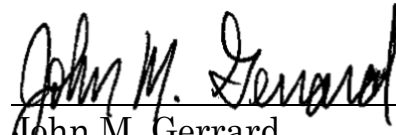
8. The Totonaca Tribe of Mexico is not, and has not been, a Federally Recognized Tribe by the United States Department of Interior, Indian Affairs.
9. The United States, by and through the United States Department of Interior, Indian Affairs, has no interest in, nor has it ever held an interest in, 714 West Fifth Street, Hastings, Nebraska 68901, legally described as: Lots One (1) through Twelve (12) Inclusive, Block Six (6), Original Town, Now City of Hastings, Adams County, Nebraska, according to the recorded plat thereof.
10. The United States, by and through the United States Department of Interior, has no right, title, or interest in the "real property."
11. The United States, by and through the United States Department of Interior, is not acting as trustee for the Totonaca Tribe of Mexico and the "real property."
12. The Parties shall be responsible for its own attorney fees and costs incurred in this matter.
13. The Parties agree this Consent Judgment contains the whole agreement between the Plaintiff, Community Redevelopment Authority of Hastings, Nebraska and the United States of America, and any statements, representations, promises, agreements, or negotiations, oral or otherwise, between the Parties or their counsel not included herein are of no force or effect.

IT IS ORDERED:

1. The parties' joint motion for consent judgment ([filing 7](#)) is granted.
2. Judgment is entered in favor of Plaintiff, Community Redevelopment Authority of Hastings, Nebraska and against the United States of America consistent with the terms listed above.
3. This matter is dismissed with prejudice as to Defendant United States of America only.
4. This matter is remanded to the District Court of Adams County, Nebraska.

Dated this 17th day of April, 2023.

BY THE COURT:



John M. Gerrard
Senior United States District Judge